

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of EZAIL MAURICE CARLOS  
CORONADO, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ROSENDO CORONADO,

Respondent-Appellant,

and

LADAWN BANKS,

Respondent.

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UNPUBLISHED

March 30, 2004

No. 250733

St. Clair Circuit Court

Family Division

LC No. 00-000173-NA

Before: Zahra, P.J., and Saad and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to his minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (n)(1). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

**I. FACTS**

At the time of the minor child's birth, respondent father was incarcerated and serving an eight to fifteen year sentence following a conviction of second-degree criminal sexual conduct. The offense for which respondent father was incarcerated involved an eight-year-old girl.

On April 13, 2000, the minor child became a temporary ward of the court. On November 27, 2000, petitioner filed a petition requesting that the trial court terminate respondent father's parental rights. Petitioner alleged that respondent was incarcerated at the time of the minor child's birth and "remained there throughout the life of the child." Further contained in the petition was an allegation that respondent father had his parental rights to five other children previously terminated because he "sexually molested children other than his own." Because

respondent father had no contact with the child since his birth and also failed to provide support, petitioner alleged that there was no reasonable likelihood that he would be able to provide proper care and custody within a reasonable time and that there remained a reasonable likelihood that, if returned to respondent father, the child would suffer harm.

Respondent's parental rights were not terminated at that time. On May 29, 2002, the trial court terminated respondent mother's parental rights, but the trial court continued to work with respondent father toward reunification. Respondent complied with all orders of the court to the extent that he completed parenting classes, substance abuse assessment, attended weekly individual mental health counseling sessions, maintained full-time employment, maintained independent housing approved by the FIA, and completed all drug and alcohol screens with negative results. Nonetheless, petitioner alleged that respondent father continued to demonstrate "an aggressive, violent way of life not suitable to caring for a child." Petitioner cited a police report indicating that respondent father "violently assaulted a woman from his personal life." Further, it was alleged that respondent father raped that woman and, as a result, she became pregnant with his child. Additionally, petitioner cited respondent father's conviction for second-degree criminal sexual conduct and subsequent twelve-year incarceration and an allegation that respondent father had his parental rights to five of his other children terminated as a result of his conviction.

Respondent was ordered to complete a criminal sexual conduct program, but failed to do so. At the final termination hearing, the trial court rendered its oral opinion from the bench. At the outset, the trial court noted that, on two previous occasions, respondent father failed to attend sex offender treatment classes, which he had been ordered to do as part of his parole. As of January 8, 2003, the family court required respondent father to participate in and complete a sex offender treatment program, which respondent once again failed to accomplish. The trial court acknowledged respondent father's prior conviction for criminal sexual conduct with a minor and found that respondent was not rehabilitated and still presented a danger in that regard. According to the trial court, that was a "major problem" affecting any effort to reunify father and son. Consequently, the trial court terminated respondent's parental rights and this appeal ensued.

## II. STANDARD OF REVIEW

This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 3.911(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that petitioner established the existence of one or more statutory grounds for termination by clear and convincing evidence, then the trial court must terminate respondent's parental rights unless it determines that to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review for clear error the trial court's decision with regard to the child's best interests. *Id.* at 356-357.

## III. ANALYSIS

After carefully reviewing the record, we are satisfied that the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. At the time that the initial dispositional order was entered, respondent was incarcerated and serving an eight to fifteen year prison sentence following a conviction for second-degree criminal sexual conduct involving an eight-year-old child. Upon respondent's

release from prison, the trial court ordered him to submit to a psychological evaluation, complete a sex offender treatment program of not less than one year in duration, and thereafter submit to a reevaluation. Respondent failed to complete a sex offender treatment program and submit to a reevaluation as required by court order and thus failed to address the issue that resulted in the initial adjudication. Furthermore, although respondent testified that he accepted “full responsibility” for the sexual offense that resulted in his lengthy incarceration, expert testimony at trial established that respondent “showed no empathy toward victims nor [did] he show any significant insight regarding sexual offender behavior.”

Although respondent testified that lack of reliable transportation prevented him from completing the sex offender treatment program, this lack did not prevent respondent from obtaining full-time employment, completing parenting classes, submitting to random drug screens, attending weekly individual therapy sessions, or attending scheduled visitations at the FIA. Indeed, transportation suddenly became an insuperable barrier only when the court required respondent to attend and complete a sex offender treatment program, which testimony at trial established was accessible by public transportation.

Further, respondent failed to participate in counseling to help him become an effective parent and thus achieve reunification. Expert testimony adduced at trial demonstrated that, despite respondent’s financial situation and lack of transportation, counseling services remained available to him on a sliding fee scale and in accord with respondent’s schedule. Moreover, the counselor assigned to assist in the reunification effort made special provisions to make these counseling services available to respondent, but he declined to take advantage of the appointments that became available. According to expert testimony, the greatest barrier to respondent’s ability to become an effective parent was his inability to make disposition of his past and take advantage of the assistance made readily available.

In light of this evidence, the trial court did not err in terminating respondent’s parental rights. Further, we find that the evidence produced did not demonstrate that termination of respondent’s parental rights was antithetical to Ezail’s best interests. MCL 712A.19b(5); *Trejo*, *supra* at 356-357. While we do not deny that respondent loves his son, his failure to squarely address the issues that resulted in his conviction of criminal sexual conduct involving a child remained an impediment to his ability to engage in effective parenting.

Affirmed.

/s/ Brian K. Zahra  
/s/ Henry William Saad  
/s/ Bill Schuette